

SN 10/767,037

Case 162-CIP-DIV2-U.S.

**REMARKS**

We acknowledge with appreciation the time the Examiner spent on the telephone with the undersigned following the fax transmittal to the Examiner of a "Discussion Document For Informal Discussion With Examiner Prior To Official Response to August 24 Office Action". In addition we herewith concur in the Examiner's statement of the "Substance of Interview" beginning "Applicants explained that the even and parallel arrangement of the heating elements ..." in the October 12, 2005 Interview Summary.

We have especially noted that portion of the Examiner's Statement that reads: "The examiner explained that such results need to be supported by showings in proper affidavit or declarative form".

In response thereto we submit herewith the Declaration In Support of Amendment Responsive To 08/24/05 Office Action. The Examiner's attention is particularly directed to paragraph 10. of the Declaration which reads as follows:

"10. In the early experiments which preceded the filing of the application, the heat source was arranged around the tool. This was in line with conventional apparatus and thinking, but the desired differential heating pattern was not obtained; only when the heat source portion of my apparatus is constructed to have a flat configuration co-extensive with the entire flat surface of the tool undergoing treatment is my apparatus effective."

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Thus the claims have been supported by declaratory evidence which states that when the skill of the art was tried, that is with a conventional surround type heating system, the desired result was not achieved; only when "the heat source portion of my apparatus is constructed to have a flat configuration co-extensive with the entire flat surface of the tool undergoing treatment is my apparatus effective". We thus submit that the application now contains a solid foundation of support for the claims.

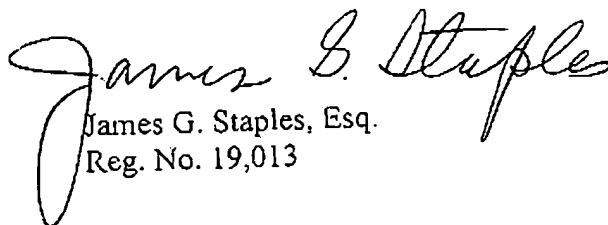
In reviewing the claims the Examiner will note that we have incorporated those portions of the "Discussion etc." claims which bring out the above concept in arguably greater detail than was the case with earlier submissions so the basis for allowance of the herewith submitted claims is made manifest. While this revision was not explicitly discussed, we presume that it was assumed to be a part of the discussion. We have otherwise maintained the earlier wording of the claims to the extent possible consistent with incorporating the more detailed terminology so as to expedite consideration of the application and avoid extraneous issues. In the event we have not assessed the matter correctly we respectfully request the Examiner to telephone us to the end that any further clarifying additions he believes are necessary can be attended to without invoking the procedural

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restrictions of past final correspondence.

Respectfully submitted,

  
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